

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
(WESTERN DIVISION)

TITAN TIRE CORPORATION OF
FREEPORT,

Plaintiff,

v.

UNITED STEELWORKERS OF
AMERICA, LOCAL 745L,

Defendant.

Case No.: 3:08-cv-50014

ANSWER TO COUNTERCLAIM OF
DEFENDANT UNITED
STEELWORKERS LOCAL 745L

Titan Tire Corporation of Freeport ("Titan Tire"), by Howard & Howard Attorneys, P.C., provides its Answer to Counterclaim of Defendant United Steelworkers Local 745L as follows:

1. The Defendant-Counterplaintiff Local 745L is a labor organization within the meaning of Section 152(5) of the Labor Management Relations Act, 29 U.S.C. § 152(5). Local 745L is a local union of the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International union, AFL-CIO, CLC ("the USW"). Local 745L represents members in this judicial district at the Titan Tire plant in Freeport, Illinois.

ANSWER: On information and belief, admit.

2. Titan Tire is an employer engaged in commerce within the meaning of the LMRA, 29 U.S.C. Sections 152(2) and 152(7) within this judicial district.

ANSWER: Admit.

3. The USW, Local 745L and Titan Tire are subject to a collective bargaining agreement.

ANSWER: Admit.

4. The collective bargaining agreement contains a grievance procedure for the resolution of disputes regarding the terms and conditions of employment. That grievance procedure culminates in final and binding arbitration.

ANSWER: Admit the collective bargaining agreement contains a grievance procedure and affirmatively state that terms of that procedure are found in that collective bargaining agreement.

5. Pursuant to the grievance and arbitration procedure, Arbitrator Alan J. Cook rendered a final and binding award which is attached as Exhibit B to the Complaint/Motion to Vacate in this case.

ANSWER: Admit that Arbitrator Alan J. Cook rendered an award attached as Exhibit B to the Motion to Vacate in this case. Except as admitted, denied.

6. The award of Arbitrator Cook was within his authority under the terms of the collective bargaining agreement.

ANSWER: Denied.

7. The award of Arbitrator Cook draws its essence from the terms of the collective bargaining agreement.

ANSWER: Denied.

8. Titan Tire has refused to follow the award of Arbitrator Cook.

ANSWER: Admit, because Titan Tire has moved to vacate the award.

Wherefore, Titan Tire Corporation of Freeport requests that the Court enter an Order vacating the October 22, 2007 award of Arbitrator Alan J. Cook as being outside the terms of the collective bargaining agreement.

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CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2008 I electronically filed the above and foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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